

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

HEIDI A. BAER,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.
)	05-CV-10724-GAO
NATIONAL BOARD OF)	
MEDICAL EXAMINERS,)	
)	
Defendant.)	
)	

DEFENDANT’S MOTION FOR LEAVE TO FILE AFFIDAVIT

Pursuant to Federal Rule of Civil Procedure 6(d), Defendant National Board of Medical Examiners respectfully requests permission to file the accompanying Second Affidavit of Dr. Joseph E. Bernier (“Affidavit”). Defendant believes that the Affidavit will assist the Court because it responds to issues raised for the first time in the Amended Second Affidavit of Dr. Cheryl Weinstein and in Plaintiff’s Reply Memorandum in Support of Plaintiff’s Motion for a Permanent and Preliminary Injunction, both of which were filed on April 26, 2005. Because of Dr. Bernier’s busy schedule seeing patients, Defendant was unable to obtain this affidavit from him until this morning.

Respectfully submitted,

NATIONAL BOARD OF MEDICAL
EXAMINERS

By its attorneys,

/s/ Inez H. Friedman-Boyce

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Dated: April 28, 2005

LOCAL RULE 7.1(A)(2) CERTIFICATE AND CERTIFICATE OF SERVICE

The undersigned certifies pursuant to Local Rule 7.1(A)(2), that the moving party has conferred in good faith with opposing counsel on the matters set forth in the foregoing motion. Opposing counsel did not assent to the relief requested by this motion.

I further certify that on April 28, 2005, I caused a copy of the foregoing motion to be served by facsimile on all counsel of record for the other party.

/s/ Inez H. Friedman-Boyce

Inez H. Friedman-Boyce

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